

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
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December 7, 2000

2000 DEC -7 P 4:58

BY FACSIMILE

MEMORANDUM TO COUNSEL RE: BG&E v. USA
Case No. AMD 00-2599

In preparation for tomorrow's hearing, please decide among yourselves how you will allocate argument time. Each side will have forty-five minutes for oral argument.

In addition to the matters addressed in your pending motions, please also come prepared to address the issue of whether this case is ripe for decision. Isn't only **final** agency action reviewable under the Administrative Procedure Act? Wouldn't this case be mooted if BG&E were to be the successful bidder for the electricity distribution privatization at Fort Meade under the current RFP? I suspect that there is a "quick and dirty" answer to this question. If you wish to respond in writing by facsimile, please do so.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,



Andre M. Davis
United States District Judge

AMD:tt
cc: Court file